

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
SHELBY DIVISION**

IN RE:

CHRISTINE EARLS KAHN

SSN: xxx-xx-2541

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**Case No. 09-40083
Chapter 13**

Debtor

AMENDED MOTION TO MODIFY CHAPTER 13 PLAN

COMES NOW the above-named debtor, by and through counsel, and respectfully moves the Court pursuant to Section 1329 of the Bankruptcy Code, Rule 9013 of the Federal Rules of Bankruptcy Procedure, and Rule 9013-1 of the Local Rules for the entry of an Order modifying the debtor's Chapter 13 plan. In support of this amended Motion, debtor alleges and says the following:

1. This case was commenced by the filing of a joint voluntary petition February 5, 2009 by the above-named debtor and by Claude Michael Kahn, debtor's husband at the time.
2. The §341(a) Meeting of Creditors was held in Shelby, North Carolina on March 20, 2009.
3. The Chapter 13 plan was confirmed by this Court on April 10, 2009 and was modified by order of this Court entered November 3, 2009.
4. Since the filing of the petition, the debtor and her husband have divorced.
5. An Order was entered in this case January 21, 2011 that dismissed the male debtor for failure to make plan payments and failure to respond to the Trustee's Motion to Dismiss Case.

6. Debtor hereby seeks to modify her Chapter 13 plan by proposing to treat the following claims filed in the Chapter 13 case as specified:

Claim No.	Creditor	Proposed Treatment
1	William S. Gardner	Pay in full
2	William S. Gardner	Pay in full
3	American General	Surrender
4	Citifinancial Auto Corporation	Surrender
8	Litton Loan Servicing LP	Receive no money under plan until valid deficiency claim is filed
10	Cleveland County Tax Collector	Priority
40	William S. Gardner	Pay in full
42	William S. Gardner	Pay in full
43	Andrea Gale Farmer	Pay in full
5	Citifinancial Inc.	Unsecured
12	Roundup Funding LLC	Unsecured
13	Ecast Settlement Corp...	Unsecured
14	Ecast Settlement Corp...	Unsecured
15	Ecast Settlement Corp...	Unsecured
16	Ecast Settlement Corp...	Unsecured
18	Carolina Pulmonary & Sleep	Unsecured
19	Carolinas Medical Center	Unsecured
22	PRA Receivables Management...	Unsecured
24	Cleveland Co Healthcare System	Unsecured
27	Fruitland Baptist Bible Institute	Unsecured
30	Roundup Funding LLC	Unsecured
31	OrthoCarolina	Unsecured
33	Shelby Radiological Assoc.	Unsecured
35	PRA Receivables Management...	Unsecured
36	Ecast Settlement Corp...	Unsecured
7	Litton Loan Servicing LP	Receive no money under plan until valid deficiency claim is filed
32	VL Funding LLC	Paid Outside
34	US Dept. of Education	Paid Outside

7. By consent order entered by this Court on June 29, 2009, relief from the automatic stay was granted to permit foreclosure of the debtor's interest in real property located at 224 Wall Avenue, Boiling Springs, North Carolina, which real property secured a mortgage debt to Litton Loan Servicing, LP, servicing agent for Deutsche Bank National Trust Company, as Trustee under the Pooling and Servicing Agreement dated as of March 1, 2003, Morgan Stanley Dean Witter Capital I Inc. Trust 2003-NC3. Said creditor has foreclosed upon the real property but has not filed a deficiency claim with the Chapter 13 Trustee. Debtor proposes that the claims of Litton Loan Servicing, LP receive no money under the Chapter 13 plan unless and until Litton files a valid deficiency claim.

8. Debtor will surrender the 1997 Pontiac Sunfire and the 2002 Land Rover Freelander to the creditors listed as lien holders on the titles of said vehicles. Debtor proposes that said lien holders have sixty (60) days from the date of an Order granting this motion to file valid deficiency claims or that their existing claims otherwise be barred.

9. Debtor will file herewith amended Schedules I and J to reflect her current income and expenses.

WHEREFORE, the Debtor respectfully prays the Court as follows:

1. That the Debtor's motion to modify the Chapter 13 plan be granted, as provided herein and debtor's payment be modified to \$110.00 per month.

2. That the claims of Litton Loan Servicing, LP be treated such that it will receive nothing through the debtor's plan unless and until it files a valid deficiency claim.

3. That the Debtor be permitted to surrender the 1997 Pontiac Sunfire and the 2002 Land Rover Freelander to the respective lien holders and that said lien holders have sixty (60) days to file a valid deficiency claim or otherwise have their existing claims be barred.

4. That the attorney for the debtor be granted an additional non-base legal fee of \$350.00 and expenses of \$25.00, said fee and expenses to be paid by the Trustee out of the funds paid by the debtor into the Plan;

5. That the Debtor has such other relief as the Court seems just and proper.

This the 3rd day of February, 2011.

/s/ Andrea G. Farmer

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